

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>CORPORAL TRINIDAD NAVARRO,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
	:	<b>C.A. No. 05-565 (GMS)</b>
<b>v.</b>	:	
	:	
	:	<b>JURY TRIAL DEMANDED</b>
<b>CHRISTOPHER A. COONS,</b>	:	
<b>individually and in his official capacity;</b>	:	
<b>GUY H. SAPP, individually and in his</b>	:	
<b>official capacity; and NEW CASTLE</b>	:	
<b>COUNTY, a municipal corporation,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**VOIR DIRE**

Good morning, ladies and gentlemen. I am Judge Sleet, and I will be presiding over the trial for which a jury is about to be drawn in the case. The parties are Trinidad Navarro, Christopher A. Coons, individually and in his official capacity, Guy H. Sapp, individually and in his official capacity, and New Castle County, a political subdivision of the State of Delaware. Briefly stated, this is a case involving allegations of right to freedom of speech and freedom of political association and a failure to promote to rank of sergeant<sup>1</sup> in 2005. The defendant denies that it discriminated against plaintiff on the basis of his freedom of speech or freedom of political association<sup>2</sup> when it chose not to promote plaintiff.<sup>3</sup> The trial may last up to five days. I time my trials, so the attorneys will have to complete their trial presentations within these limits. While it appears

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<sup>1</sup> Defendants object to the phrase that “defendants chose not to promote plaintiff.”

<sup>2</sup> Defendants object to the two references that the case involves allegations of “freedom of political association.”

<sup>3</sup> Defendants object to the phrase “a failure to promote to rank of sergeant.”

unlikely at this point, jury deliberations may require you to be present longer than that number of days.

I am going to ask you a series of “yes” or “no” questions, the purpose of which is to (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment in helping to determine the final composition of the jury. If any of you have a “yes” answer to any of my questions, please keep track of that in your own mind. When I have concluded asking questions I will ask all those who had a “yes” answer to any of my questions to raise their hands. Then we will call you to the bench individually to speak with you about your affirmative response or responses.

1. As I mentioned, this case is expected to take five or less business days to try. Is there any member of the panel who would be unable to sit as a juror in the case for that period of time?

2. Have you heard or read or otherwise know anything about this case?

3. Plaintiff, Corporal Navarro, is represented by Jeffrey K. Martin, Esquire, of the law firm of Margolis Edelstein. Do you know, or are you a client of Jeffrey K. Martin, Esquire, or this law firm?

4. Defendant, New Castle County, is represented by Megan Sanfrancesco, Esquire, and Judy Hildick, Esquire of the New Castle Law Department. Do you know Megan Sanfrancesco or Judy Hildick or any person who works for the New Castle County Law Department.

5. Defendants Guy Sapp and Christopher Coons are represented by Jeffrey Goddess, Esquire of Rosenthal, Monhait & Goddess. Do you know Jeff Goddess or any person who works for Rosenthal, Monhait & Goddess?

6. Is any member of the panel or their family member related to or personally acquainted with Plaintiff Corporal Trinidad Navarro?

7. Are you or any of your close friends or relatives presently or formerly employed by the New Castle County or, any other law enforcement agency?

8. Do you know any of the witnesses who will appear in this trial?  
They are:

[witness list]

8. Do you have knowledge of, familiarity with, or specialized training in employment practices, including but not limited to Federal Civil Rights law?

9. Do you have any feelings or beliefs about Federal Civil Rights law in general or damages awards that would influence your decision in a case like this one?

10. If so, would you be unable to render a fair and impartial verdict based solely upon the evidence presented in court and under the law as presented to you?

11. Have you ever been a party in a law suit?

12. Have you or any member of your family ever made a claim or had a claim made against you based on Federal rights, including freedom of speech, and freedom of political association<sup>4</sup>?

13. Have you or any member of your family ever suffered civil rights violations , including freedom of speech or freedom of political association?<sup>5</sup>

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<sup>4</sup> Defendants also object to the "freedom of political association."

14. Have you ever filed a complaint against a government entity?

15. Do you have any bias or prejudice against New Castle County or any of its agents or employees?

16. Has anyone or has any member of your family ever been in a situation where you or a family member believed that an employer violated your/their constitutional rights, namely, the right to freedom of speech under the First Amendment.?

17. Has anyone or has any member of your family ever been in a situation where you or a family member believed you/they were retaliated against for exercising your/their right to freedom of speech under the First Amendment or for exercising any other constitutional right?

18. Has anyone or any member of your family ever been employed in a capacity as a public official or in public administration, such as in city or county management type work? If so, when and where? Explain the nature of the duties.

19. Has anyone or a member of your family ever been employed in a personnel or human resources department in either a business or in government? When? Explain what you did. If so, when and where? Explain the nature of the duties.

20. Have you been exposed to any newspaper, radio or television accounts of this case or other lawsuits involving New Castle County?

21. Has anyone discussed with you, or attempted to discuss with you, this case or other lawsuits involving New Castle County?

22. Are you aware of any statements made by the lawyer for the plaintiff in this case, Jeffrey K. Martin, Esquire, regarding this litigation or any of the defendants?

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<sup>5</sup> Defendants object to "political association."

23. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?